

S. LANE TUCKER
United States Attorney

ADAM ALEXANDER
Assistant United States Attorney
Federal Building & U.S. Courthouse
222 West Seventh Avenue, #9, Room 253
Anchorage, Alaska 99513-7567
Phone: (907) 271-5071
Fax: (907) 271-1500
Email: adam.alexander@usdoj.gov

Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:19-cr-00109-RRB-MMS
)	
Plaintiff,)	
)	
v.)	
)	
PAVEL TSURKAN,)	
)	
Defendant.)	
_____)	

GOVERNMENT'S SENTENCING MEMORANDUM

SUMMARY OF SENTENCING RECOMMENDATIONS

TERM OF IMPRISONMENT 14 Months
SUPERVISED RELEASE 3 years
SPECIAL ASSESMENT..... \$100
RESTITUTION TBD

COMES NOW the United States of America, by and through undersigned counsel, and hereby files this Sentencing Memorandum. For the reasons stated herein, the United States respectfully recommends that the Court impose

I. INTRODUCTION

Mr. Tsurkan is an ethnic Russian cybercriminal residing in Estonia. As charged in this matter, he operated what is known as a criminal proxy routernet, comprised of compromised home internet devices in the District of Alaska and elsewhere that he hijacked for the purpose of re-selling internet endpoints in the United States to other criminals for the purposes of facilitating a diverse array of cybercrime perpetrated against victims in the United States and abroad. Following a change of plea, Mr. Tsurkan is before the court for sentencing in this matter following his sentencing in an unrelated cybercrime offense prosecuted by the District of Connecticut.

II. FACTUAL BASIS

The following factual basis was stipulated to by the defendant in his plea agreement as well as his change of plea hearing:

Beginning in or about August 2015, the defendant, PAVEL TSURKAN, using the moniker “russian8,” “Russian2015,” and others, began compromising home internet routers in the District of Alaska and elsewhere for the purposes of operating a criminal proxy botnet. Cybercriminals worldwide rely on proxy services to obfuscate their internet traffic and facilitate the commission of additional offenses. For example, a cybercriminal group in Russia may want access to Internet Protocol (IP) addresses located in the United States or European Union to help evade restrictions that Internet

U.S. v. Tsurkan

Service Providers (ISPs) place on Russian IP addresses. In that instance, a criminal group would pay an individual like TSURKAN for access to U.S.-based IPs. Rather than source those IPs legitimately, TSURKAN in this case compromised home internet routers belonging to victims in the District of Alaska and elsewhere.

TSURKAN's botnet was controlled by a command-and-control server tied to the domain Russian2015.ru. TSURKAN's botnet included at least 60 victims in Alaska and over 1,000 victims worldwide. These victims had their home Internet routers compromised by TSURKAN and coopted into the Russian2015.ru botnet. TSURKAN's criminal clientele then routed their traffic through the victims' home routers, using the victims' devices to engage in spam campaigns and other criminal activity. The Alaska victims experienced significant data overages, in the range of hundreds to thousands of dollars per victim, even when there were no home computers connected to the victims' home networks. The victims suffered damage in the form of both the exploited devices and associated overages exceeding \$10,000 in the aggregate.

III. SENTENCING CALCULATION

United States Probation correctly calculated Mr. Tsurkan's total offense level in the final, sealed, pre-sentence report. ECF no. 33 ¶¶ 14-25 (PSR). A violation of 18 U.S.C. § 1030(a)(5)(A) has a base offense level of 6 pursuant to U.S.S.G. §2B1.1. The offense level is increased by two levels as a result of the fact that the stipulated loss amount was at least \$10,000 (U.S.S.G. §2B1.1(b)(1)(B)); another two levels because the offense involved 10 or more victims (U.S.S.G. §2B1.1(b)(2)(A)); a further two levels because the fraud scheme was committed from outside the United States ((U.S.S.G. *U.S. v. Tsurkan*

§2B1.1(b)(10)(B)); and finally a four-level adjustment because the defendant was convicted of violating 18 U.S.C. § 1030(a)(5)(A), for an adjusted offense level of 16, less three total points for acceptance of responsibility for a final total offense level of 13.

IV. STATUTORY CRITERIA AND RECOMMENDED SENTENCE

Weighing all of the relevant considerations, the United States respectfully joins the recommendation of United States Probation for a low-end guideline sentence of 14 months, to be served concurrent to the sentence imposed in his Connecticut matter, with restitution to be determined at a subsequent hearing calendared approximately 90 days from sentencing in this case.

V. CONCLUSION

RESPECTFULLY SUBMITTED this 19th day of January, 2023, in Anchorage, Alaska.

S. LANE TUCKER
United States Attorney

s/ Adam Alexander
ADAM ALEXANDER
Assistant U.S. Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2023, a copy of the foregoing was served electronically on:

Jonathan Einhorn

s/ Adam Alexander
Office of the U.S. Attorney

U.S. v. Tsurkan

3:19-cr-00109-RRB-MMS

Page 4 of 4

Case 3:19-cr-00109-RRB-MMS Document 47 Filed 01/19/23 Page 4 of 4